

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

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|---------------------------|---|-------------------------------|
| UNITED STATES OF AMERICA, |) | No. CR-08-70393 WDB |
| |) | |
| Plaintiff, |) | ORDER DETAINING DEFENDANT |
| |) | DANIEL LEONARD GORDON PENDING |
| v. |) | TRIAL |
| |) | |
| DANIEL LEONARD GORDON, |) | |
| aka "Butter," |) | Date: July 11, 2008 |
| |) | Time: 9:30 a.m. |
| |) | Court: Hon. Maria-Elena James |
| Defendant. |) | |
| |) | |

The defendant, Daniel Leonard Gordon, is charged with one count of being a felon in possession of a firearm in violation of 18 U.S.C. § 922(g). He made his initial appearance before United States Magistrate Judge Nandor J. Vadas on July 7, 2008. On July 11, 2008, this Court heard the United States' motion to detain defendant Gordon without bail pending trial. Defendant Gordon was present, in custody, and represented by counsel. The parties proceeded, without objection, by proffer. Both parties had an opportunity before the hearing to review a report prepared by the United States Pretrial Services Agency ("Report").

After considering the evidence and the parties' arguments, this Court Orders that

[PROPOSED] ORDER RE: DETENTION
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1 defendant Gordon be detained pending trial. The Court finds by clear and convincing evidence
2 that defendant Gordon poses a serious risk of danger to the community, and by a preponderance
3 of the evidence that there is a serious risk that defendant Gordon will flee.

4 For the reasons stated on the record at the detention hearing, including the following, the
5 Court finds that under 18 U.S.C. § 3142(e), no condition or combination of conditions will
6 reasonably ensure defendant's appearance or the safety of the community:

7 1. According to the complaint and the proffer by the government at the
8 detention hearing, defendant possessed a loaded assault rifle in his house. Ammunition was also
9 found at his residence. Additionally, according to the Report and the proffer by the government,
10 defendant has a lengthy criminal history, including convictions for crimes of violence. Given the
11 nature of the current charges, and defendant's prior convictions, defendant poses a serious
12 danger to the community if he is released.

13 2. Defendant is currently on felony probation. Moreover, defendant has no
14 history of stable employment, no financial ties, and has been homeless for approximately 15
15 years. Defendant has no sureties to secure a bond on his behalf. Thus, defendant also poses a
16 serious flight risk.

17 Based on the foregoing, the United States' motion for detention is GRANTED. IT IS
18 HEREBY ORDERED that:

19 1. Defendant Gordon be detained pending trial pursuant to 18 U.S.C. § 3142;

20 2. Defendant Gordon be, and hereby is, committed to the custody of the
21 Attorney General for confinement in a corrections facility separate, to the extent practicable,
22 from persons awaiting or serving sentences or being held in custody pending appeals;

23 3. Defendant Gordon be afforded reasonable opportunity for private
24 consultation with his counsel; and

25 4. On order of a court of the United States or on request of an attorney for
26 the government, the person in charge of the corrections facility where defendant Gordon is
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1 confined shall deliver defendant Gordon to an authorized Deputy United States Marshal for the
2 purpose of any appearance in connection with a court proceeding.

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4 IT IS SO ORDERED

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6 DATED: July 14, 2008

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HONORABLE MARIA-ELENA JAMES
United States Magistrate Judge

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28 [PROPOSED] ORDER RE: DETENTION
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